S.B. CIVIL MISC. APPEAL NO.562/2007

Date of Order :: 7th February 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.S.K.Sankhla for Mr.Bhanwarlal Tiwari for the appellants ...

To the dependents of the vehicular accident victim Khima Ram, about 30 years in age, the Tribunal has awarded compensation in the sum of Rs.3,11,900/- in their claim application made under Section 163-A of the Motor Vehicles Act, 1988 ('the Act') after taking monthly income of the deceased at Rs.2,100/- and applying maximum side multiplier of 18 while deducting one-third on personal expenditure of the deceased.

Mr. S.K.Sankhla learned counsel appearing for the claimant-appellants contends that the deceased was working with one M/s.Puja Travels and in view of the job he was engaged in, the Tribunal has erred in not accepting the assertion of the claimants about his monthly income at Rs.3,000/-. The submission is not well founded for the claimants having not produced any corroborative evidence in support of their assertions about monthly income of the deceased at Rs.3,000/-.

In the claim application made under Section 163-A of the Act, the Tribunal has reasonably assessed the loss for the claimants and there appears no scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

MK